

EXHIBIT H

In The Matter Of:

ALLERGAN USA, INC.

v.

MEDICIS AESTHETICS, INC.

NEWHARD, STEVEN B., 30(b)(6) - Vol. 1
January 22, 2015

***CONFIDENTIAL - PURSUANT TO
PROTECTIVE ORDER***

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<p>1 Q. Do you recall seeing this before?</p> <p>2 A. Yes.</p> <p>3 Q. Did you contribute to any of these documents?</p> <p>4 A. Yes.</p> <p>5 Q. Which ones?</p> <p>6 A. Obviously we reviewed the entire thing, but my</p> <p>7 primary work would have been the manufacturing flow</p> <p>8 charts which is worked on with Q-Med.</p> <p>9 Q. And that's attachment 3 or Exhibit 216?</p> <p>10 A. Attachment 3, Exhibit 216, yes.</p> <p>11 Q. What was the purpose of this preIDE submission</p> <p>12 packet?</p> <p>13 A. To get concurrence from the agency that we</p> <p>14 could submit an IDE, okay, and try to get the questions</p> <p>15 from the agency out of the way before the IDE itself was</p> <p>16 submitted.</p> <p>17 Q. And part of the submissions goal was to set up</p> <p>18 an in-person meeting with FDA to discuss the new</p> <p>19 product?</p> <p>20 A. I don't remember if it was in person or by</p> <p>21 phone. Sometimes meetings are held by phone.</p> <p>22 Q. Can you turn to the first pages of Exhibit</p> <p>23 214?</p> <p>24 A. Sure.</p> <p>25 Q. Which is a letter to the FDA?</p>	<p>1 A. Just a project manager.</p> <p>2 Q. If you can keep flipping two more pages to</p> <p>3 153650, it's a heading, "Introduction," at the top?</p> <p>4 A. Yep.</p> <p>5 Q. The third paragraph down talks about not</p> <p>6 discontinuing the current formulations of Restylane and</p> <p>7 Perlane, do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. Do you know why that was Medicis' strategy?</p> <p>10 A. One, leave as many products on the market as</p> <p>11 possible. Two, because some physicians preferred not to</p> <p>12 have Lidocaine in there.</p> <p>13 Q. You mentioned earlier that you knew that</p> <p>14 physicians were mixing Lidocaine into the products?</p> <p>15 A. Yes.</p> <p>16 Q. When did you learn about that?</p> <p>17 A. Very, very early on, as soon as we put the</p> <p>18 product out there.</p> <p>19 Q. Did you get feedback from the physicians about</p> <p>20 them doing that?</p> <p>21 A. No.</p> <p>22 Q. It was just kind of word of mouth, you knew</p> <p>23 they were doing it?</p> <p>24 A. Yes, what we heard from sales reps is they</p> <p>25 were aware that doctors were doing this.</p>
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<p>1 A. Correct.</p> <p>2 Q. On the second page it refers, in the second</p> <p>3 paragraph, to a meeting?</p> <p>4 A. Yes.</p> <p>5 Q. Do you remember if the meeting for this was in</p> <p>6 person or over the phone?</p> <p>7 A. I don't remember.</p> <p>8 Q. Do you recall actually attending a preIDE</p> <p>9 meeting with FDA?</p> <p>10 A. No.</p> <p>11 Q. Do you know if you did or not or you just</p> <p>12 can't remember?</p> <p>13 A. Just don't remember.</p> <p>14 Q. And it lists a couple of people who should be</p> <p>15 attending the meeting. Do you see that?</p> <p>16 A. Yep.</p> <p>17 Q. One of them is Peter Bjurling?</p> <p>18 A. Yes.</p> <p>19 Q. Do you understand why he would have been</p> <p>20 attending the meeting?</p> <p>21 A. Q-Med wanted a person from their company</p> <p>22 attending these meetings, okay. Any meetings that were</p> <p>23 held always included someone from Q-Med.</p> <p>24 Q. Okay. And was he chosen for any specific</p> <p>25 reason, do you know, to be Q-Med's rep?</p>	<p>1 Q. If you turn to the next page, there's a table</p> <p>2 1 entitled, "Dermal Fillers Available With Lidocaine,"</p> <p>3 do you see that?</p> <p>4 A. Yep.</p> <p>5 Q. Do you have an understanding of either the</p> <p>6 Eleveess or Prevelle Silk products?</p> <p>7 A. I mean, I know they were products that were</p> <p>8 out on the marketplace, yes.</p> <p>9 Q. Did you do any evaluation or research about</p> <p>10 them?</p> <p>11 A. No, I did not.</p> <p>12 Q. Did you know anything beyond the chemical</p> <p>13 composition listed in this chart about those products?</p> <p>14 A. I mean, we knew that Prevelle Silk had -- how</p> <p>15 they had gotten their approval, which was basically just</p> <p>16 on a pain release study.</p> <p>17 Q. How did you learn that?</p> <p>18 A. It was documents available through FDA.</p> <p>19 Q. Did you have any other information available</p> <p>20 about Prevelle Silk?</p> <p>21 A. No.</p> <p>22 Q. How about Eleveess?</p> <p>23 MR. SCHMEDLIN: Objection, asked and answered.</p> <p>24 THE WITNESS: I don't remember anything about</p> <p>25 Eleveess.</p>

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